

# Exhibit 56

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

STAN LEE MEDIA, INC.,

Plaintiff,

vs.

THE WALT DISNEY COMPANY,

Defendants.

)

)

)

)

)

) Civil Action No.

) 1:12-cv-02663-WJM-KMT

)

)

)

)

VIDEOTAPED DEPOSITION OF STAN LEE

Beverly Hills, California

Thursday, March 14, 2013

Volume 2

Reported by:

ALENE M. CASTRO

CSR No. 4847

Job No. 1619771

PAGES 71 - 133

Page 71

Sarnoff, A VERITEXT COMPANY  
877-955-3855

2021MARVEL-0047458

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

_____	)	
STAN LEE MEDIA, INC.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No.
	)	1:12-cv-02663-WJM-KMT
THE WALT DISNEY COMPANY,	)	
	)	
Defendants.	)	
_____	)	

Videotaped deposition of STAN LEE, Volume 2,  
taken on behalf of Plaintiff, at 9601 Wilshire  
Boulevard, Suite 700, Beverly Hills, California,  
beginning at 8:55 a.m. and ending at 10:09 a.m. on  
Thursday, March 14, 2013, before ALENE M. CASTRO,  
Certified Shorthand Reporter No. 4847.

1 APPEARANCES:

2  
3 For Plaintiff Stan Lee Media, Inc.:

4 EISNER CAHAN GORRY CHAPMAN ROSS & JAFFE

5 BY: ROBERT S. CHAPMAN

6 BY: JAMES MOLEN

7 Attorneys at Law

8 9601 Wilshire Boulevard, Suite 700

9 Beverly Hills, California 90210

10 (310) 855-3200

11 rchapman@eisnerlaw.com

12 jmolen@eisnerlaw.com

13  
14 For Defendant The Walt Disney Company:

15 WEIL, GOTSCHAL & MANGES LLP

16 BY: BRUCE R. RICH

17 BY: RANDI W. SINGER

18 Attorneys at Law

19 767 Fifth Avenue

20 New York, New York 10153-0119

21 (212) 310-8152

22 bruce.rich@weil.com

23 randi.singer@weil.com

24  
25  
Page 73

1 APPEARANCES (continued):

2  
3 For Stan Lee Individually:

4 SHERMAN & HOWARD

5 BY: MARK W. WILLIAMS

6 Attorney at Law

7 633 Seventeenth Street, Suite 3000

8 Denver, Colorado 80202-3622

9 mwilliams@shermanhoward.com

10 (303) 299-8211

11  
12 --and--

13  
14 GANFER & SHORE LLP

15 BY: IRA BRAD MATETSKY

16 Attorney at Law

17 360 Lexington Avenue

18 New York, New York 10017

19 (212) 922-9250

20 imatetsky@ganfershore.com

21  
22  
23  
24  
25  
Page 74

1 APPEARANCES (Continued):

2  
3 Also Present:

4 MICHAEL WOLK, Walt Disney Corporate Representative

5 ELI BARD, Deputy Chief Counsel, Marvel

6 Entertainment

7  
8 Videographer:

9 GRANT CIHLAR

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
  
Page 75

EXAMINATION

BY MR. RICH:

Q Good morning, Mr. Lee.

A Good morning.

Q We have met before. I'm Bruce Rich, and I 08:57:14  
will be asking you some questions this morning on  
behalf of our client the Walt Disney Company.

A Right.

Q As usual, if you don't understand the  
question or if I let my voice drop and you don't 08:57:23  
hear me, I'm sure you'll let me know.

A Right.

Q I would like to spend a little bit of time  
this morning quickly going through a bit of your  
history dating back a few years to your involvement 08:57:34  
in the comic books industry. Am I right that you  
began your career in the comics industry around  
1940?

A Right.

Q So by my math, you were maybe 17 years old 08:57:47  
or so?

A Yes, just about that.

Q Okay. And what was your first employment  
in the comic book industry?

A I heard there was a job open at a company 08:57:55

Page 82

1 called Timely. Actually, the parent company I think  
2 was Magazine Management or something like that. And  
3 they had other books. They had movie books, men's  
4 books and so forth. And I went up there, and I  
5 found out -- I didn't know until I got up there that 08:58:12  
6 the job they had was in the comic book department.  
7 So a job was a job, and I took the job. I was an  
8 assistant to the two people who really ran the  
9 department, Joe Simon and Jack Kirby.

10 Q And am I correct that Timely, over time 08:58:29  
11 through various corporate changes, became what we  
12 know to be Marvel Comics today?

13 A That's right.

14 MR. CHAPMAN: Objection; leading the  
15 witness. 08:58:40  
16 BY MR. RICH:

17 Q And who at the time was running Timely?  
18 Who was the ultimate boss?

19 A The ultimate boss at that time was Martin  
20 Goodman, the publisher. 08:58:48

21 Q Now, so for a period of time you were an  
22 assistant to, you indicated, two individuals, one of  
23 whom, as I recall, is Jack Kirby; is that correct?

24 A That's right.

25 Q And did there come a time when you were 08:58:59

Page 83



1 witness.

2 BY MR. RICH:

3 Q Who had the final say -- who had the final  
4 say as to whether a new title would be developed or  
5 a new character would ever appear in one or more 09:03:20  
6 economic issues?

7 A My publisher Martin Goodman.

8 Q And did you ever precede with a concept for  
9 a new title involving, let's say, a new character  
10 without discussing it first with Mr. Goodman? 09:03:40

11 A Well, there was one time. Spider-Man. He  
12 had never liked the idea of Spider-Man when I  
13 proposed it to him. He told me that people hated  
14 spiders, so you couldn't call a hero Spider-Man. I  
15 wanted him to be a teenager. And he said you can't 09:03:59  
16 have a teenager as a hero. They can only be  
17 sidekicks. And then I wanted him to have a lot of  
18 personal problems. And Martin said, Stan, don't you  
19 know what a superhero is? They don't have personal  
20 problems. So from every point of view he didn't 09:04:16  
21 like the character.

22 I thought it was a good one, and I wanted  
23 to get it done somehow. So we had a book that we  
24 were going to drop called "Amazing Fantasy," I  
25 think. Now, when you're going to drop a book, 09:04:31

Page 89

1 nobody cares what you put in the last issue because  
2 the book is going to die. So just for fun I put  
3 Spider-Man -- without asking Martin because he  
4 didn't care what went into the last issue of  
5 "Amazing" -- I put Spider-Man in there, and I put 09:04:47  
6 him on the cover. And the book sold like -- it just  
7 sold wonderfully.

8 And Martin came in to me later, and he said  
9 you know that character Spider-Man of yours that we  
10 both liked so much, why not make it a series. I'll 09:05:01  
11 never forget that.

12 Q And did that series go forward with  
13 Mr. Goodman's approval?

14 A Yes.

15 Q Would it have gone forward without his 09:05:10  
16 approval?

17 A No, it couldn't.

18 Q Why couldn't it have?

19 A Well, he was the publisher, and he was the  
20 guy who said you'll do this or you won't do that 09:05:18  
21 because he was paying for everything.

22 Q Did Mr. Goodman have the right to accept or  
23 reject particular story lines that were being  
24 proposed for publication?

25 A Yes. 09:05:29

Page 90

1 Q Did he ever do so?

2 A Hardly ever.

3 Q But he had the power to do it?

4 A He had the power to do it, yes.

5 Q Did he have the authority to edit materials 09:05:37  
6 that were submitted for publication?

7 A If he wanted to, yes.

8 Q Now, I take it you were paid for your  
9 activities on behalf of Marvel back in -- again,  
10 we're talking in the era when you were performing 09:05:54  
11 these editorial supervisory functions and acting as  
12 a writer, '50s, '60s; okay?

13 A Yes, I was paid.

14 MR. CHAPMAN: Objection; leading and  
15 compound. Mr. Rich, could you wait until I finish 09:06:05  
16 my objection before you start your next question?

17 MR. RICH: Didn't realize I hadn't.

18 MR. CHAPMAN: You hadn't.

19 BY MR. RICH:

20 Q How were you paid for your -- the duties 09:06:15  
21 you performed at Marvel?

22 A Not enough. And I was paid on a, as  
23 everyone else was, on a per page rate.

24 Q And that was for your writing contributions  
25 or for something else? 09:06:31

Page 91

1           A    Well, I was paid -- I received a salary,  
2   okay. The salary was for being editor/art director.  
3   But when I would write a script, I was paid, as all  
4   the script writers were, by the page. So if I wrote  
5   a 10-page script, and whatever the rate was, they           09:06:47  
6   multiplied it by 10, and that was my payment.

7           Q    And did the per page rate depend on the  
8   success, the degree of success of the particular  
9   work which you contributed to?

10          A    Well, no one particular work. But as the           09:07:00  
11   head writer, I got the largest rate. Although there  
12   were other writers that got as much as I did. We  
13   had a number of writers who were pretty steady that  
14   I had hired who were good who also wrote things.  
15   And I gave them a good rate. And then when we had a           09:07:21  
16   new beginning writer, a tryout writer, a writer who  
17   wasn't that good, but we'd give him something  
18   because the other writers didn't have time, he would  
19   get less per page.

20          Q    On a given project, though, the per page           09:07:34  
21   rate -- my question wasn't clear enough, I  
22   apologize -- the per page rate you received, did it  
23   vary depending on whether a particular project was a  
24   big success or a flop?

25          A    Not really, no.                                   09:07:47

Page 92

1 A Other writers?

2 Q Yes.

3 A Oh, sure.

4 Q And other artists?

5 A Yes. 09:08:51

6 Q And what was -- would you describe  
7 generally the process by which a particular issue or  
8 project came together and what your role was in  
9 supervising that project.

10 A Well, the books had to be published on a 09:09:03  
11 regular basis. Most of them were monthly. So after  
12 one book had been published, we needed another book  
13 all ready to go to the printer 30 days later. If  
14 that book didn't make the printing date, the  
15 publisher would have to pay for the printing time 09:09:23  
16 anyway. So it was like life or death that no book  
17 be late. I remember in my -- I had a small office.  
18 I had a clock on all four walls so wherever I was  
19 facing, I could see what time it was because this  
20 artist had to come up at this time, this writer had 09:09:42  
21 to be up.

22 And I would read the script, and I would  
23 make some suggestions -- there's too much dialogue  
24 here or this doesn't sound like what this fellow  
25 would really say or -- whatever suggestions I would 09:09:56

Page 94

1 make on the scripts that were handed in. These are  
2 the scripts other people wrote. The scripts I  
3 wrote, I was my biggest fan. So I loved everything  
4 I wrote. There was very little editing.

5 But on the artwork -- my job was more 09:10:13  
6 important as art director than editor, I think,  
7 because I wrote most of the stuff. So I didn't  
8 worry much about the editing. But the artwork  
9 was -- you could take -- it's like a movie. You  
10 could take the best script in the world, and if you 09:10:30  
11 have a bad director or actors who aren't good,  
12 you've got nothing. Once the script was there, I  
13 had to make sure that the artist drew it excitingly  
14 enough, understandably enough, that there wasn't too  
15 much dialogue, too little dialogue, that everything 09:10:47  
16 was moved in the right pattern. My main job,  
17 really, was working with the artists. Working with  
18 the writers was easy.

19 Q Were there other contributors than just the  
20 artists and the writers? Did other people come 09:11:03  
21 together to create the final product that was  
22 published?

23 A Yes.

24 Q Can you identify them.

25 A Yes. There were letterers who would put in 09:11:10